

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
November 20, 2017

The West Amwell Township Zoning Board of Adjustment special meeting was called to order at 7:35PM by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was transmitted to the Hunterdon County Democrat and Trenton Times on October 26, 2017. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Zoning Board of Adjustment Office. The meeting was recorded via digital recording system and a copy of the CD is on file in the Zoning Board of Adjustment Office.

Chairman Fulper led the Pledge of Allegiance to the American Flag.

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce (Vice Chair)-present, Brian Fitting-present, Kevin Koveloski-present, Joe Romano - present, John Ashton-present, George Fisher (alt#2)-present, Robert Fulper (Chairman)-present

Absent: Ruth Hall, Frank Sabatino (alt#1)

Professionals Present: Stewart Palilonis, Board Attorney; Jim Kyle, Board Planner

APPLICATION(S):

Public Hearing: - Columbia Fire Company, No. 4 – Block 39 Lot 4.01 – Application for D Variance (Volunteer Fire House) (7:36pm)

The following were received and distributed to the Board Members via mail prior to the September regular meeting:

ZBA Application for a Variance/Appeal/Interpretation, Zoning Permit Application (dated 8/3/17), Zoning Permit Denial letter from Zoning Official (dated 8/7/17), USGS Quad Map Exhibit of Project Location (topical map) by T and M Associates (dated 8/30/17), Aerial Location Map from Google Earth (dated 2017), two color photographs of the site on an 8 ½ x 11 sheet (undated), Plan titled “conceptual Site Plan” by T and M Associates (dated 4/21/17)

The following letter was provided to the Board members and applicant prior to the September meeting: Completeness review from Engineer Tom Decker dated 9/19/17.

The following letter was provided to the Board members and applicant prior to the October meeting: Compliance review from Planner Jim Kyle dated 10/23/17.

Attorney Palilonis said to let the record reflect that the notices are in order.

The following individuals representing Columbia Fire House, No. 4 approached the Board:

Britt Simon, Attorney representing Columbia Fire House

Ronald Tillet, VP of Columbia Fire House

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Mr. Tillet explained that the property was donated by his father. It is on a gravel road near where Mr. Tillet resides. Columbia Fire Company is a 501-C3. He would like to put a building and truck on the property. Because Columbia Fire Company is a charity the firehouse is not permitted in an R9 zone, it is not specified as a permitted use. A D1 variance is necessary. An R9 zone permits municipal use, a fire department would be allowed. The organization is not funded by the taxpayers, it is funded by charitable interests. Mr. Tillet explained that the fire department is beneficial to the public good. They are a relief company organized for the purpose of support services. There will not be any fire trucks with lights or sirens. They assist fire departments. He asserted that the positive greatly outweighs negative impact.

Attorney Palilonis swore in Mr. Tillet. Mr. Tillet stated his name and address as follows:

Mr. Ronald Tillet Jr., 80 Jackson Street, Lambertville

Attorney Palilonis asked Mr. Tillet if he received a notice of the application. Mr. Tillet responded that he did; Attorney Palilonis stated the record has to indicate that Mr. Tillet received notice of the application as an individual.

Mr. Tillet provided the following testimony: He is a plumbing and heating contractor. He is a member of Columbia Fire Company and West Amwell Fire Company. He is here representing Columbia Fire Company as their VP and Chairman of Building Committee. The proposed fire company is located at 59 Jackson Street, across the street from his home. His father donated the property two months ago to put up the fire house for service in the community. It will house a fourteen foot custom built canteen truck with a kitchen and a twelve foot enclosed trailer with toilet facilities and a sink. It is to be used by the fire, police, and rescue organizations in Hunterdon, Bucks, and Mercer counties.

The kitchen has a four foot griddle, two 18 inch steam tables, a stove, sink, and fifteen gallon water and Gatorade containers. They will serve fire, police and rescue workers, it is not commercial.

The second garage door is for the trailer, which houses bathrooms, to be towed behind the truck. There will be no other vehicles at the facility and no sirens. The truck has a bar light to be used on location. There are no red lights for responding as these are secondary vehicles. The vehicle is a fourteen foot step van which is two feet shorter than a FedEx truck. It can navigate the road it will be housed on. There are other trucks on the road including business trucks, FedEx, and UPS which are larger and have no difficulty navigating the road. Attorney Simon said this is addressing the issues from page 5 of Planner Kyle's report dated October 23, 2017.

Mr. Tillet said there will be four to six runs per month, two times per week. He has driven the truck on the road and did not have any problems, the gravel road does not present a problem. There is a second floor for a meeting room. No one will be sleeping at the building. It will not be rented out. There will be an annual banquet, this is the only event. There are six parking stalls and a handicap spot. Two people will be parking and going out with the truck during an emergency. The truck is not louder than a FedEx truck. There is no siren or back up alarm. No cars with sirens on will be coming to the facility. The truck is a secondary unit to provide assistance; it is not urgent at the scene.

No storm water management is needed. The lot is just over 1500 square feet. There is a drainage trench over the 125 foot road frontage, this is how storm water is managed now.

There will not be any staff staying on premises or sleeping over. There will be no employees. Volunteers will arrive in their own private vehicles. A County phone application is used to notify volunteers.

There is a small concrete walkway to the front door and a concrete apron. The parking spaces are gravel.

Attorney Palilonis stated that this application is bifurcated, only use is being considered tonight.

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Chairman Fulper inquired if there is a drainage ditch along the road. Mr. Tillet replied that there is. Chairman Fulper inquired about the meetings; Mr. Tillet responded that there are nineteen members, there is an average of twelve at meetings. Chairman Fulper asked about the annual banquet; Mr. Tillet said it will be held in the engine bay. There will be the nineteen members plus their guests. Mayors will also be in attendance. Mr. Tillet said there is parking "all over". His house is twenty-five feet away and there is parking there. He has 86-105 attendees at his Christmas party and there is enough parking.

Attorney Palilonis asked how the volunteers are dispatched. Mr. Tillet said by Hunterdon County, it has to be requested in New Jersey.

Chairman Fulper asked about security as the building will usually be empty. Mr. Tillet said there will be locks on the doors. As the building is commercial it is required there be online fire detection which goes to a call center.

Vice Chair Cronce confirmed the building would not be used for outside parties. Mr. Tillet confirmed this. The building will have a residential stove to make soup. Pots and pans will be washed at the building.

Mr. Fisher asked if the building, if approved as a fire department building, could be used as a fire department at a later date. Attorney Palilonis said a use variance will only be for what the Board thinks is appropriate and that is what the Board would limit it to.

Attorney Palilonis asked if the building could accommodate a fire truck. Mr. Tillet said probably and said they are not getting a truck. They were established in 1892 and were in their last building in Lambertville until five years ago.

Mr. Ashton inquired about the parking. There are six spaces and twelve members, three members live across the street. Three cars can be parked in front of the garage doors. There are "lots of husband and wife members". Mr. Tillet does not anticipate a problem with parking.

Mr. Romano asked about lighting, Attorney Palilonis said only use is being considered at this time.

In response to a question from the Board, Attorney Simon provided background information. The fire company was previously the same 501-C3 non for profit. Lambertville had many small fire companies. They centralized their fire department which created a non-need for these small fire companies. Columbia Fire Company decided to continue serving the community and become aware of this sort of service that is utilized in other communities where these relief services are provided to the rescue, police, and EMS. They have funds from selling their building. The land was donated so they could continue to provide a service. They have made a shift from firefighting to providing canteen services and a relief trailer.

Mr. Fitting asked to confirm that there are nineteen members presently, there is no brick and mortar location, some are in multiple fire companies, and two people are needed for the canteen truck. He asked what the other members do. Mr. Tillet said this is correct, not all members respond at once, there are two people who go in the truck. One follows in their personal vehicle to pick up supplies on the way. Attorney Simon added that for a major event that goes on for a long period of time members may need relief.

Attorney Palilonis inquired if the Certificate of Incorporation for Columbia Fire Company Number 4 is the same entity that operated in Lambertville. Mr. Tillet said it is. Chairman Fulper said the date of incorporation is March 2017 on the certificate. Mr. Tillet said they had to fill out another paper with the State of New Jersey because an update was not filed so they had to do it all over again, that is why there is a newer date. Mr. Tillet said it is still the same organization, the same name, and the same by-laws.

Attorney Simon said the fire company was started in 1892, over a period of time the requirements have changed, when they went to file they realized certain things had been dropped and they had to re-file.

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Vice Chair Cronic asked if they looked at any other properties or other places. Mr. Tillet said they looked on Route 518 but his father decided to donate property due to the cost.

Mr. Fitting asked if there will be any emergency response facilities at this location. Mr. Tillet said no due to the County Board of Health requiring the well to be certified.

Mr. Fitting asked if food will be dropped off. Mr. Tillet said he is not looking for food to be dropped off. Deer Park will drop off water.

Mr. Fitting inquired about a backup generator. Mr. Tillet said this had not been discussed.

Vice Chair Cronic asked what would happen at the end. Mr. Tillet said the organization started in 1892 and are still here today. They have had great support so far. There are always new members coming in. They benefit Hunterdon, Mercer and Bucks counties.

Vice Chair Cronic asked if they were recognized. Mr. Tillet said the Hunterdon County Fire Chiefs Association will make a decision on January 17th. They anticipate approval. They are good with Mercer and Bucks counties.

Vice Chair Cronic asked if they are operational now. Mr. Tillet said no and commented that they did an event for Halloween.

Attorney Palilonis mentioned the significance of County approval. Mr. Tillet said it is needed to dispatch. They cannot respond if not dispatched. Attorney Simon said the County creates codes used for dispatch which is why their approval is needed. Mr. Tillet explained why there is a delay in the approval process.

Responding to a question from the Board Mr. Tillet confirmed that they are 100% volunteer.

Attorney Palilonis asked if calling it a "firehouse" was appropriate. Mr. Tillet said it is a canteen truck. Planner Kyle said the plan says "firehouse". Vice Chair Cronic commented how when people hear "fire house" they think of emergency vehicles. Attorney Palilonis asked if "fire company" was appropriate under the circumstances. Mr. Tillet commented on legalities due to the Lambertville Fire Commission. Attorney Simon said the company receives funding by operating fire services. They have to maintain themselves as a fire company.

Planner Kyle suggested when they come in for site plan they change "fire house" to garage or meeting room to call it what it is. Mr. Fisher said the organization does not need to change its name, just what the building is called. Attorney Palilonis said "fire services" includes what is being proposed.

Mr. Tillet said that Doylestown provides a canteen company out of their fire company. There is another in lower Mercer County. There are none in Hunterdon County.

Mr. Fitting asked if the money from the sale of the property in Lambertville could be used in West Amwell. Mr. Tillet said they can spend it any way they see fit. They are funded strictly by donations.

Chairman Fulper asked the applicant if there will be any other experts testifying. Attorney Simon said no, it was noted the applicant's engineer had a family emergency therefore he couldn't attend tonight.

Attorney Palilonis asked if the applicant was providing a professional planner as a witness. Attorney Simon said they are not. Attorney Palilonis said they would rely on Mr. Tillet's testimony, Attorney Simon agreed.

OPEN TO THE PUBLIC:

Chairman Fulper opened the meeting to the public for questions only, no statements. Vice Chair Cronic added that questions can only be asked about the testimony.

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Richard Anderson, property manager for 20 Hancock and 60 Hancock, asked about the impact to his property and a paper road. This will be addressed under site plan as the hearing tonight is only on use.

Andrea Little, property owner of block 39 lot 4 (vacant property) said she was approached last year via phone by Mr. Tillet, he looked at her property. She explained to him at that time that he could not do this in an R9. It is a residential, there are a lot of houses, a lot of kids.

Chairman Fulper reminded the public present that this portion of the meeting was only for questions.

Ms. Little is concerned about traffic coming into and out of the neighborhood. Mr. Tillet said it is not an emergency response, not a fire truck, ambulance, or police car; it is bringing food to the kitchen. Ms. Little commented on four to six runs a months in three counties, that the zone is R9, that this is commercial. She asked if there will be cooking on the property. Mr. Tillet said there will be to make soup to freeze. Ms. Little asked if there will be a commercial kitchen. Mr. Tillet said no, there will be a hood over a residential stove for protection as it is zoned commercial. Ms. Little asked which level the stove was on. Mr. Tillet said the ground level. Ms. Little inquired about well and septic. Mr. Tillet said there will be both. Ms. Little asked if all is ground level including the banquet. Mr. Tillet said yes. Ms. Little asked the purpose of the meeting room. Mr. Tillet said for meetings and memorabilia including an antique president's desk, fireproof safe for documentation, and plaques on wall. Ms. Little asked if he explored having this all on one floor. Mr. Tillet said it would be too big for the property. Ms. Little asked about the frequency of the meetings. Mr. Tillet said once a month. Ms. Little commented about twelve members attending the meetings and asked if he afraid to loose parking spaces if it was all on one floor. Mr. Tillet said no and went over the parking, that there are seven spaces. Ms. Little asked the meeting time. Mr. Tillet said from 8:00 to 9:30pm. Ms. Little said she is asking all these questions as she is literally ten feet from there. She is about to build a two family house on her property. Her concerns are the noise, the light on the second floor, time of usage people will be there for safety and security, and land value. She asked if they would subscribe to a noise variance and lights out at a certain hour as it is changing from residential to commercial usage. Attorney Simon said supporting an ordinance to turn off lights at a certain hour would run against public policy. Mr. Tillet said there will be no lighting on the building. Ms. Little asked if there was sufficient space upstairs for twelve members. Mr. Tillet said the upstairs is for the members meeting and memorabilia from over 125 years. Ms. Little asked if there will be consumables available at the events. Mr. Tillet said no alcohol at all. Ms. Little asked about wear and tear on the road and parking. Mr. Tillet said there are two parking spots in front of his residence and three in front of his garage. For his Christmas party 86 to 105 people park. Ms. Little commented on their being nineteen members and asked if there is a limit and if they will grow. Mr. Tillet said they are not limiting it to nineteen and that not every member comes to the meetings. Ms. Little said the firehouse is spending a lot of money to build this and asked what if the space isn't right for you, how do you sell the space. Mr. Tillet said he is comfortable with the funds and won't need to rent out space; he mentioned recurring donations. Attorney Simon said they can't tell what would happen if the question is what would happen to the use in that space. Mr. Tillet does not think the organization will grow. Ms. Little asked if they would add another vehicle or trailer. Mr. Tiller said no. Ms. Little asked if they will rent it out. Mr. Tillet said no. Ms. Little asked if they only take donations. Mr. Tillet said yes.

There were no other comments from any member of the public.

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Chairman Fulper asked Planner Kyle to walk them through the application. Planner Kyle said if the Board has come to the conclusion that it is an inheritably beneficial use, as to him it clearly supports the public welfare and serves the public good, the Board would look at the suitability of the property.

Mr. Ashton asked if there was an attachment to being inheritably beneficial and the specific location. Planner Kyle said, referring to case law, if there were a lot of these types of facilities in the area you would ask if another is needed and would benefit the community. It is a regional type facility.

Planner Kyle said the positive criteria has been covered. He referred to page 3 of his memo and referred to a previous Supreme Court case. The positive aspects to the public benefit need to be weighed with any negatives. He does not believe from the testimony that there will be sirens and it will be infrequently used. It sounds like the impact is limited in terms of emergency service impacts to the residential neighborhood. With an inheritably beneficial use the focus is more on conditions to place on the variance to lessen the effects. The negatives have to be substantial with regard to the beneficial effects. The Board will look at the Master Plan and any impacts on that which is included in the report including the purposes for the zones. With regard to this the Board would ask if it is going to interfere with the present or future uses in the zone plan. If this was a municipal agency, such as a fire house, it would be allowed.

Attorney Palilonis asked what the distinction is between this and the West Amwell Fire Company. Mr. Tillet said West Amwell Township accepts the West Amwell Township Fire Company as a government agency for fire protection as they are required to have fire protection per state statute. Columbia Fire Company is offering support, not fire protection. Attorney Palilonis asked if the Township was to recognize Columbia Fire Company would it be on a different basis. Both are a 501-C3. Vice Chair Crounce said the West Amwell Township Fire Department receives funding from the Township, a private organization does not. Comments were exchanged if the Township would recognize a support service, if it would cost taxpayers money if they entered into a contract, and then the Township would direct them. Mr. Tillet said they want to stay the way they are. Attorney Palilonis asked that since they are providing a type of service that is consistent with fire suppression does it have an impact on the zone plan. Planner Kyle said to compare what the Township could do with the property versus this use which is infrequent. Mr. Ashton asked if there was an intent to enter into contracts with municipalities. Mr. Tillet said they do not want to enter into contracts. They only go out on severe instances such as the fire at ABC Roofing or the barn fire in Sergeantsville. They work with only three stations in Mercer County and three stations in Bucks County, they want to take care of local towns.

Planner Kyle told the Board they can make conditions about items that were brought up tonight. A condition can be made that the applicant return to the Board for any change in the use of the facility.

At this time Chairman Fulper opened the floor to the public for statements.

Rich Anderson, 207 Goat Road, asked what the zone was. Chairman Fulper responded that it is R9. Mr. Anderson asked if a permitted use would be a fire station. Planner Kyle said a municipal use is permitted, which is pretty broad. Mr. Anderson stated that he is a retired fire chief, he has been in fire service all his life. He said this is a very noble cause but it is a commercial operation that could be better suited somewhere that is not a residential area. The Red Cross usually fulfills this at a major operation. Parking the canteen truck at another fire house can be an option. He understands that the fire company has been together for a long time. He also understands the impact this will have on a residential area despite that they say they will drive slow, every time a fireman goes it is an emergency, people may not behave the way they are expected to so this may not be the area where they should be driving.

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Andrea Little, block 39 lot 4, explained that she bought property from the Township years ago with the intent to build a home. She is waiting for the area to be regentrified. She explained that it is a great starter area, is residential, and a neighborhood. She is challenged with the idea that a commercial operation is moving in with no succession plan. There are two stories with adults, the upstairs meeting area peers over several homes in the area. There are nineteen members and membership is not limited. She said the occupancy for the upstairs has not been addressed. The traffic pattern has not been addressed. She understands that the property was donated but does not know if it is the right place. She pays \$2600 in taxes a year, she has payed thousands for her property, and will lose property value. She commented that the taxes on the subject property are \$141. She asked if it is approved if the second floor will be reconsidered. She hopes that there is a hedge or barrier to protect the people who live in the neighboring houses. She spoke of her farm not being protected from a neighboring property.

Attorney Simon asked to make a statement. He said this is an agency for the sole purpose of taking care of the people who are taking care of the community. It is a necessity. Nobody likes things in their backyard that don't improve their value or don't look perfect. The reality is that fires happen. Firemen go out to these scenes as volunteers to try and help protect peoples' lives and property. Firemen die, and that is a harsh reality. The purpose of this entity is to help support that and elevate the discomfort and risk of exhaustion that fire fighters, rescue squad workers, and emergency personnel suffer under on these occasions where there are massive issues. This is not a group that exists for the purpose of getting excited because they have red lights and sirens. This is a group that helps people that are exhausted. Attorney Simon said the Board Planner indicated the issues to be addressed. Attorney Simon said with regard to the concerns about the gravel street that the truck is smaller than a regular delivery truck that travels the road regularly and will have no problem on the gravel roads. The use of the second floor has been addressed. There is a not a need for regular uses of the spaces. The truck is dispatched on an infrequent basis, when it goes out two or three people will respond. Two will respond and one will follow. There seems to be ample parking space. Regarding the noise there are no sirens, horns, or back up alarms on the truck as the truck is a modest size. Regarding the storm water management it was discussed that it is a smaller lot and there is drainage in the front of the property. There is a gravel filled parking area which will assist with the water drainage as there is no concrete or asphalt. The building will be staffed on a volunteer basis; volunteers are toned out. People will not be staying at the building, it is only for when needed. Volunteers will respond to the building to get the resources they need. The vehicles do not have red lights or sirens. The lights on the vehicle are only for when it is on location, not for traveling to a scene.

Chairman Fulper said a motion can be considered. Mr. Romano asked if this is only on use as the site has not been discussed. Planner Kyle said that a condition of approval will be a successful site plan application, the use may not be valid if what is shown can't be done. Planner Kyle confirmed for Board members that approving the use does not approve the building depicted at this point. Use restrictions can be attached.

Attorney Palilonis said the motion would be to approve an emergency support facility to house a canteen truck and trailer with the condition that no lights or sirens or horns be used by vehicles responding to emergency dispatch. The trucks have no back up warning devices. No onsite occupancy on a regular basis. No rental of meeting space. No outdoor events. Subject to site plan review and approval. Subject to approval by the Hunterdon County Fire Chiefs Association (who will go to Hunterdon County Communications who will issue a station number and a unit designation number, and allow them to respond. Hunterdon County Communications acts with the direction of the Hunterdon County Fire Chiefs Association).

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Board members asked about when conditions for parking would be added. Attorney Palilonis advised it would be during site plan review. Planner Kyle said the lot is about half the size it should be but that is an existing nonconforming condition. Coverage was listed as 19.9, which may not be correct.

Mr. Ashton made a motion (9:10pm) that the Board grant the use variance for an emergency support facility subject to site plan approval, no use of sirens, lights, or other audible alerts, no back-up warning devices on any of the equipment, no onsite occupancy of the facility, no rental of the meeting space on the second floor or in the engine room, no outdoor events. Approval is subject to approval of the Hunterdon County Fire Chiefs Association.

Board members asked what if the backup alert is required by the DOT or OSHA. A switch to turn the alarm off and on was suggested as the backup light may be needed on scene. Mr. Tillet said there won't be one on the truck. There was further discussion on this item. Mr. Tillet was okay with the condition. Chairmain Fulper reminded Mr. Tillet that what he agrees to will be in the resolution.

No outside storage of equipment was added as a condition to the motion.

The number of times a month that the truck will be used was discussed. A limit will not be in the motion.

Planner Kyle repeated back the conditions at the Board's request:

Condition of site plan

No sounds, lights, or other audible devices

No back up warning devices

No onsite occupancy

No rental of the meeting space

No outdoor events

No outside storage

Subject to Hunterdon County Fire Chiefs approval

Mr. Ashton made a motion to approve. Mr. Fisher seconded the motion. Roll call vote: Mr. Cronic-aye, Mr. Fitting-aye, Mr. Romano- aye, Mr. Ashton-aye, Mr. Koveloski-aye, Mr. Fisher (alt. 2) –aye, Chairman Fulper-aye

There was a discussion on noticing for the site plan approval. Attorney Simon said he has no problem re-noticing for the January 23, 2018 meeting. Planner Kyle advised that the applicant should notice again as the site plan may have different variances than the use approval.

Chairman Fulper explained to the public that there may be variances requested on the site plan therefore the applicant will re-notice to the neighboring property owners prior to the meeting.

OPEN TO THE PUBLIC:

There were no comments from any public.

ADJOURNMENT:

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Mr. Cronic made a motion to adjourn at 9:22pm. Mr. Ashton seconded the motion. All were in favor; the motion passed.

Respectfully submitted,

Christine A. Rosikiewicz